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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,742	08/18/2006	Sidney Anthony Hollingsworth Whitehouse		9839
7500 08/29/2008				
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EXAMINER				
LEGESSE, NINT F				
ART UNIT		PAPER NUMBER		
3711				
MAIL DATE		DELIVERY MODE		
08/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/589,742

Applicant(s)WHITEHOUSE, SIDNEY ANTHONY
HOLLINGSWORTH**Examiner**

Nini Legesse

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25, 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 25, it is not clear as to what is claimed. The expression "said one limb is greater than that due to the weight" is not clear.

Regarding claim 42, the expression "a method as claimed in claim 35" is found to be indefinite since claim 35 is an apparatus claim not a method claim. In addition, the recitation "the putter" in the claim lacks antecedent basis.

Claim 31 recites the limitations "the junction" in line 2 and "the extensions" in line 3. There is insufficient antecedent basis for these limitations in the claim. In addition, it is not clear as to what is being claimed since the cheeks in Applicant's specification do not appear to extend above and below the limbs.

Claim 32 recites the limitation "the said other limb" in lines 1 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24, 26-30, 33, 36,37, 39, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartolucci (US Patent No. 3,184,073).

Bartolucci discloses a device comprising a single free-standing generally L-shaped housing (see Fig. 1) having tow limbs, the corner where elements 10,11, and 12 meet is considered as a fulcrum. Elements 10 are considered as side cheeks and elements 12 are considered as limbs. Regarding the intended use set forth in the claims, the device inherently is capable of pivoting if used with a golf ball as claimed. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Pleas note that the examiner is giving the broadest reasonable interpretation of the claims as set forth in MPEP 904.01(a). Us discussed above, apparatus claims must be structurally distinguishable from the prior art. SEE MPEP 2114.

Claims 24, 26-30, 33, 36,37, 39, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Juhlin (US Patent No. 3,759,395).

Juhlin discloses a device comprising a single free-standing generally L-shaped housing (see Fig. 1) having tow limbs, the corner where elements 2, 3, and 6 meet is considered as a fulcrum. Elements 6 and 9 are considered as side cheeks and elements 2 and 3 are considered as limbs. Regarding the intended use set forth in the claims, the device inherently is capable of pivoting if used with a golf ball as claimed. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Pleas note that the examiner is giving the broadest reasonable interpretation of the claims as set forth in MPEP 904.01(a). Us discussed above, apparatus claims must be structurally distinguishable from the prior art. SEE MPEP 2114.

Claims 24-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Paterson (US Patent No. 1,691,935).

Paterson discloses a device comprising a single free-standing generally L-shaped housing (see Figs. 6-9) having tow limbs, the corner element 2 is considered as a fulcrum. Elements 4 are considered as side cheeks and elements 7 and 10 are considered as limbs. During normal use and function of the Paterson device the method steps as claimed would inherently be performed.

Claims 24-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Shusda (US Patent No. 3,341,207).

Shusda discloses a device comprising a single free-standing generally L-shaped housing (see Figs. 1-2) having two limbs, the corner where element 20 is considered as a fulcrum. Side portions of element 10 are considered as side cheeks and elements 12 and 13 are considered as limbs. During normal use and function of the Shusda device the method steps as claimed would inherently be performed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nini Legesse/
Primary Examiner, Art Unit 3711